

## FIFTY-EIGHTH DAY

(Continued)

(Thursday, April 22, 1971)

## After Recess

The Senate met at 9:15 o'clock a.m., and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Reverend W. H. Townsend, Chaplain, offered the invocation.

## Message From the House

Hall of the House of Representatives  
Austin, Texas,  
April 22, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 80, Inviting Honorable Wilbur D. Mills to address a Joint Session on April 30, 1971, at 11:00 o'clock A.M.

S. C. R. No. 84, Inviting Prime Minister James Harold Wilson to address a Joint Session of the Texas Legislature May 3, 1971.

S. C. R. No. 85, In memory of Ferris J. McKool.

S. B. No. 184, A bill to be entitled "An Act relating to the accumulated vacation and sick leave and payment to estates of employees; etc.; and declaring an emergency."

S. B. No. 185, A bill to be entitled "An Act relating to the change of the

name of the Commission for Rehabilitation; etc., and declaring an emergency."

S. B. No. 212, A bill to be entitled "An Act relating to the Firemen's Relief and Retirement Fund in certain cities; etc.; and declaring an emergency."

H. C. R. No. 47, Encouraging the State Highway Department to preserve the utility of natural collection points for surface water along a highway right-of-way.

H. B. No. 168, A bill to be entitled "An Act relating to the removal of justices of the peace; amending Article 5972, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 237, A bill to be entitled "An Act providing for a referendum on the issue of daylight saving time; and declaring an emergency."

H. B. No. 476, A bill to be entitled "An Act relating to the computation of state allotments to eligible school districts under the Foundation School Program Act; amending Section 2, Chapter 175, Acts of the 61st Legislature, 1969 (Article 2696a, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 616, A bill to be entitled "An Act relating to the employment preference given certain veterans; amending Section 3, Chapter 357, Acts of the 49th Legislature, 1945, as amended (Article 4413(31), Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 630, A bill to be entitled "An Act relating to making the inheritance tax applicable to certain property held in joint tenancy with right of survivorship; providing certain presumptions; amending Chapter 14, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended, by adding an Article 14.011; and declaring an emergency."

S. B. No. 827, A bill to be entitled "An Act providing that under certain conditions a rate in excess of the standard rate promulgated or approved by the State Board of Insurance as respects automobile insurance may be used in rating a specific risk if it is with the consent of the person to be insured and such per-

son has made directly or through an agent or company an application signed by the applicant and stating the reasons for and indicating his consent to such rate or premium; amending Art. 5.03, Texas Insurance Code by adding such provision; and declaring an emergency."

(With amendments.)

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**Committee on Public Health Granted  
Permission to Meet While  
Senate in Session**

On motion of Senator Kennard and by unanimous consent, the Committee on Public Health was granted permission to meet while the Senate was in session.

**Report of Standing Committee**

By unanimous consent, Senator Creighton submitted the following report for the Committee on Water and Conservation:

H. B. No. 19.

**Committee on Agriculture and  
Livestock Granted Permission  
to Meet While Senate in Session**

On motion of Senator Patman and by unanimous consent, the Committee on Agriculture and Livestock was granted permission to meet while the Senate was in session.

**Bills Removed From Local and  
Uncontested Bills Calendar**

S. B. No. 68, S. B. No. 439, S. B. No. 481, S. B. No. 750, S. B. No. 276, S. B. No. 538, S. B. No. 162, S. B. No. 267, S. B. No. 348, and S. B. No. 896, were removed from the Local and Uncontested Bills Calendar by Senators Creighton, Grover, Ratliff, Moore and Blanchard.

**Senate Bill 619 Removed From  
Local and Uncontested Bills  
Calendar**

On motion of Senator Kennard and by unanimous consent, S. B. No. 619 was removed from the Local and Uncontested Bills Calendar.

**Report of Standing Committee**

By unanimous consent, Senator Hall submitted the following report for the Committee on County, District and Urban Affairs:

H. B. No. 449.

**House Bill 449 Ordered Not Printed**

On motion of Senator Ratliff and by unanimous consent, H. B. No. 449 was ordered not printed.

**House Bill 449 Added to Local and  
Uncontested Bills Calendar**

On motion of Senator Ratliff and by unanimous consent, H. B. No. 449 was ordered added to the Local and Uncontested Bills Calendar.

**Report of Standing Committee**

By unanimous consent, Senator Hall submitted the following report for the Committee on County, District and Urban Affairs:

H. B. No. 508.

**House Bill 508 Ordered Not Printed**

On motion of Senator Ratliff and by unanimous consent, H. B. No. 508 was Ordered Not Printed.

**Local and Uncontested Bills Calendar**

The President Pro Tempore announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with a motion previously adopted by the Senate.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of Constitutional Three Day Rule and final passage indicated after each bill)

S. B. 126 (Hightower) (31-0) (31-0)

S. B. 172 (Kennard) (31-0) (31-0)

S. B. 173 (Kennard) (31-0) (31-0)

S. B. 220 (Mauzy) (31-0) (31-0)

S. B. 270 (Hightower) (31-0) (31-0)

S. B. 273 (Watson) (31-0) (31-0)

S. B. No. 285 (Mauzy) (29-2) Watson, Blanchard "Nay" (29-2) Watson, Blanchard "Nay"

S. B. 316 (Mauzy) (31-0) (31-0)

S. B. 330 (Bridges) (31-0) (31-0)

S. B. 347 (Wilson) (30-1) Watson  
"Nay" (30-1) Watson "Nay"

S. B. 473 (Brooks) (30-1) Watson  
"Nay" (30-1) Watson "Nay"

S. B. 478 (Mauzy) (31-0) (31-0)

S. B. 489 (Herring) (31-0) (31-0)

S. B. 490 (Herring) (31-0) (31-0)

S. B. 509 (Mauzy) (31-0) (31-0)

S. B. 531 (Herring) (31-0) (31-0)

S. B. 536 (Mauzy) (30-1) Watson  
"Nay" (30-1) Watson "Nay"

S. B. 579 (Watson) (31-0) (31-0)

S. B. 605 (Herring) (30-1) Blanchard  
"Nay" (30-1) Blanchard "Nay"

S. B. 613 (Mauzy) (31-0) (31-0)

S. B. 618 (Kennard) (31-0) (31-0)

S. B. 620 (Kennard) (31-0) (31-0)

S. B. 671 (Harrington) (31-0)  
(31-0)

S. B. 672 (Harrington) (31-0)  
(31-0)

S. B. 700 (Sherman) (31-0) (31-0)

S. B. 701 (Sherman) (31-0) (31-0)

S. B. 707 (Watson) (31-0) (31-0)

S. B. 711 (Mauzy) (31-0) (31-0)

S. B. 727 (Hightower) (30-1) Wat-  
son "Nay" (30-1) Watson "Nay"

S. B. 728 (Hightower) (31-0)  
(31-0)

S. B. 751 (Mauzy) (30-1) Blanchard  
"Nay" (30-1) Blanchard "Nay"

S. B. 757 (Herring) (31-0) (31-0)

S. B. 817 (Schwartz) (31-0)  
(31-0)

S. B. 818 (Schwartz) (31-0)  
(31-0)

S. B. 836 (Herring) (31-0) (31-0)

S. B. 892 (Harrington) (31-0)  
(31-0)

S. B. 893 (Harrington) (31-0)  
(31-0)

H. B. 175 (Aikin) (31-0) (31-0)

H. B. 225 (Wallace) (31-0) (31-0)

H. B. 242 (Moore) (31-0) (31-0)

H. B. 441 (Brooks) (31-0) (31-0)

H. B. 445 (Moore) (31-0) (31-0)

H. B. 449 (Ratliff) (31-0) (31-0)

H. B. 1123 (Moore) (31-0) (31-0)

H. B. 1125 (Moore) (31-0) (31-0)

H. B. 1156 (Moore) (31-0) (31-0)

The following bills were laid before the Senate, read second time, amended, passed to engrossment, read third time and passed: (Amendment(s) printed following bill number, as well as vote on suspension of Constitutional Three Day Rule and final passage)

S. B. No. 175 (Herring)—

Senator Herring offered the following Committee Amendment to the bill:

Amend Section 2 of Senate Bill 175 to read as follows:

"Section 2. Amend Section 4 of the said Act to read as follows:

"A professional association shall adopt a name which shall be followed by the word or words 'Associated,' 'Association,' 'Professional Association,' 'and Associates,' or the abbreviation 'Assoc.' or 'P.A.'; provided, and except, however, a professional association shall not adopt or make use of any name which is contrary to or in conflict with any law or ethics regulating the practice or practitioners of any professional service rendered through or in connection with the professional association."

The Committee Amendment was read and was adopted.

On motion of Senator Herring and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-1), Blanchard "Nay" (30-1), Blanchard "Nay"

S. B. No. 274 (McKool)—

Senator McKool offered the following amendment to the bill:

Amend Senate Bill 274 on line 21 after the words "fails to file the report" and before the word "disclosing" insert and add the following: "within 120 days from the date of said accident."

The amendment was read and was adopted.

On motion of Senator McKool and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-1) Watson "Nay" (30-1) Watson "Nay"

**C. S. S. B. No. 286 (Herring)—**

Senator Herring offered the following amendment to the bill:

Amend Section 1 of C. S. S. B. 286, in the quoted Article 2.12 thereof, by removing the quotation mark at the end of paragraph (9) thereof and adding paragraph (10) to read as follows:

"(10) police officers employed by the State Board of Control, who have been commissioned pursuant to Chapter 102, Acts of the 58th Legislature, Regular Session, 1963, as amended (Article 678e, Vernon's Texas Civil Statutes)."

The amendment was read and was adopted.

Senator Herring offered the following amendment to the bill:

Amend Section 2(5) of C. S. S. B. 296 by adding after the words "public junior colleges" the words "and state-supported vocational-technical institutions."

The amendment was read and was adopted.

Senator Herring offered the following amendment to the bill:

Amend the caption of C. S. S. B. 286 by adding before the words "Amending Section 3 of Chapter 80," the words "and including police officers employed by the State Board of Control."

The amendment was read and was adopted.

Senator Word offered the following amendment to the bill:

Amend Section 2 of C. S. S. B. 286, in the quoted Article 2.12 thereof, by removing the quotation mark at the end of paragraph (9) thereof and adding paragraph (11) to read as follows:

"(11) game management officers employed by the Parks and Wildlife Commission."

The amendment was read and was adopted.

On motion of Senator Herring and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

**S. B. No. 336 (McKool)—**

Senator Watson offered the following amendment to the bill:

Amend Section 1 of S. B. 336 by deleting all of said section and substituting in lieu thereof the following:

Section 1. Article 5.06, Texas Insurance Code of 1951, as amended, is hereby amended to hereafter read as follows:

"Art. 5.06. Policy Forms and Endorsements

In addition to the duty of approving classifications and rates, the Board shall prescribe policy forms for each kind of insurance uniform in all respects except as necessitated by the different plans on which the various kinds of insurers operate, and no insurer shall thereafter use any other form in writing automobile insurance in this State; provided, however, that any insurer may use any form of endorsement appropriate to its plan of operation, provided such endorsement shall be first submitted to and approved by the Board; and any contract or agreement not written into the application and policy shall be void and of no effect and in violation of the provisions of this subchapter, and shall be sufficient cause for revocation of license of such insurer to write automobile insurance within this State. Motor vehicle liability insurance policy forms prescribed by the Board shall provide that the obligation of the insured to give notice to the company of an accident, occurrence, or loss will be fully satisfied if the insured or any person by or on behalf of the insured gives actual notice of such accident, occurrence, or loss to the company or to any of its authorized agents as soon as practicable. Such policies shall contain the mailing address of the company which may be

printed in the policy or added by endorsement, sticker, or overprinting. In the absence of the mailing address of the company in the policy, notice to the Commissioner of Insurance shall be considered notice to the company."

The amendment was read and was adopted.

On motion of Senator McKool and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

#### C. S. S. B. No. 370 (Brooks)—

Senator Brooks offered the following amendment to the bill:

Amend C. S. S. B. 370 by striking all above and all below the enacting clause and substitute in lieu thereof the following:

#### A BILL TO BE ENTITLED

An Act amending Chapter 22, Acts 57th Legislature, 3rd Called Session, 1962, as amended (Article 6228a-5, Vernon's Texas Civil Statutes) authorizing the Texas Department of Mental Health and Mental Retardation and the state schools, state hospitals, and other facilities and institutions under its jurisdiction, the Texas State Department of Health and facilities and institutions under its jurisdiction, the Texas Youth Council and facilities and institutions under its jurisdiction, and other state and political subdivisions, centers, and hospitals to purchase annuities for their employees; adding a new section to be designated as Section 1A authorizing the Comptroller of Public Accounts to make payroll deductions from salary warrants of participating employees for the purchase of annuities; and declaring an emergency.

Section 1. Chapter 22, Acts of the 57th Legislature, 3rd Called Session, 1962, as amended (Article 6228a-5 in Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. Local Boards of Education of the Public Schools of this State, the Governing Boards of the state-supported institutions of higher education, the Coordinating Board,

Texas College and University System, the Central Education Agency, the Texas Department of Mental Health and Mental Retardation and the state schools, state hospitals, and other facilities and institutions under its jurisdiction, the Texas State Department of Health and facilities and institutions under its jurisdiction, the Texas Youth Council and facilities and institutions under its jurisdiction and the governing boards of Centers for Community Mental Health and Mental Retardation Services, county hospitals, city hospitals, city-county hospitals, hospital authorities, hospital districts, affiliated state agencies, and political subdivisions of each of them, are hereby authorized to enter into agreements with their employees for the purchase of annuities for their employees as authorized in Section 403(b) of the Internal Revenue Code of 1954, as amended.

"Sec. 1A. The Comptroller of Public Accounts is hereby authorized to make payroll deductions from the salary warrants of participating employees when authorized in writing by the respective employees to do so and shall apply the deducted portion of the employees' compensation to the purchase of annuity contracts, the exclusive control of which will vest in the individual employee."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

#### S. B. No. 510 (Mauzy)—

Senator Wallace offered the following amendment to the bill:

Amend Senate Bill 510 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Article 2341, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 2341. Vacancy. In case of vacancy in the office of Commissioner, the County Judge shall appoint some suitable person living in the precinct where such vacancy occurred, to serve as Commissioner for such precinct until the next general election. Such appointment shall require the consent of a majority of the Commissioners Court."

Section 2. Article 2355, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 2355. To fill vacancies. A majority of the Commissioners Court shall have the power to fill a vacancy in the office of County Judge. The person chosen shall hold office until the next general election. The County Judge shall have the power, subject to the consent of a majority of the Commissioners Court, to fill vacancies in the office of: County Clerk, Sheriff, County Attorney, Justices of the Peace, Assessor of Taxes, Collector of Taxes, County Surveyor, County Treasurer, Constables, Judges of Probate Courts and Judges of County Courts at Law. The person chosen shall hold office until the next general election. The County Judge shall have the power, subject to the consent of a majority of the Commissioners Court, to fill vacancies on all Boards and Commissions that require appointment of persons by said Commissioners Court."

Section 3. If any provision of this act or the application thereof, or any office, board or commission herein, is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this act, which can be given effect without the invalid or unconstitutional provision or application, and to this end, the provisions of this act are declared to be severable.

Section 4. All laws or parts of laws in conflict herewith be and the same are hereby repealed.

Section 5. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on

three several days in each House be suspended, and this Rule is hereby suspended.

The amendment was read and was adopted.

Senator Wallace offered the following amendment to the bill:

Amend Senate Bill 510 by striking all above the enacting clause and substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED

An Act relating to the filling of vacancies of county offices; amending Articles 2341 and 2355, Revised Statutes of Texas, 1925, as amended; providing for severability; repealing all laws in conflict and declaring an emergency.

The amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

#### C. S. S. B. No. 537 (Mauzy)—

Senator Patman offered the following amendment to the bill:

Amend Committee Substitute for S. B. 537 by deleting from the fourth sentence of Subdivision 2 the words and punctuation "relative population and party strength within participating units," and substituting therefor the words and punctuation "relative population or party strength within participating units, or both,".

The amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

#### S. B. No. 608 (McKool)—

Senator McKool offered the following Committee Amendment to the bill:

Amend Senate Bill 608 by renumbering the present Section 3 as Section 4 and by adding the following as the new Section 3:

"The State Board of Insurance shall, after notice and hearing, issue

guidelines to implement the provisions of Sections 1 and 2, and thereafter, the Board shall enforce the provisions hereof after due notice and hearing."

The Committee Amendment was read and was adopted.

On motion of Senator McKool and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-1) Watson "Nay" (30-1) Watson "Nay"

#### S. B. No. 669 (McKool)—

Senator McKool offered the following amendment to the bill:

Amend Senate Bill 669, Section 1, Line 15, after the words "the Commissioner's Court of a county" and before the words "by order" insert and add the following: "having a population of more than 1,000,000 and not more than 1,500,000".

The amendment was read and was adopted.

On motion of Senator McKool and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (29-2) Blanchard, Watson "Nay" (29-2) Blanchard, Watson "Nay"

#### S. B. No. 683 (Mauzy)—

Senator Mauzy offered the following Committee Amendment to the bill:

Amend S. B. 683 by changing the word "shall" in line 2, Section 2 to the word "may".

The Committee Amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

#### S. B. No. 709 (Watson)—

Senator Watson offered the following Committee Amendment to the bill:

Amend S. B. 709 by adding new sections to be numbered Sec. 8 & 9 and renumber the subsequent sections to read as follows, to-wit:

Sec. 8. If any word, phrase, sentence, paragraph, subsection or section of this Act shall be held invalid

or unconstitutional, such holding shall not invalidate any other word, phrase, sentence, paragraph, subsection, or section hereof, and the Legislature hereby expressly declares that it would have passed such remaining words, phrases, sentences, paragraphs, subsections, and sections despite such invalidity.

Sec. 9. This Act takes effect on September 1, 1971.

The Committee Amendment was read and was adopted.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

#### S. B. No. 719 (Herring)—

Senator Herring offered the following Committee Amendment to the bill:

Amend Subsection (a) to read as follows:

"Section 3.22. PRIVATE SEWAGE FACILITIES. (a) As used in this section, 'private sewage facilities' means septic tanks, pit privies, cesspools, sewage holding tanks, injection wells used to dispose of sewage, chemical toilets, treatment tanks, and all other facilities, systems and methods used for the disposal of sewage other than disposal systems operated under a permit issued by the board.

The Committee Amendment was read and was adopted.

Senator Herring offered the following Committee Amendment to the bill:

Amend Subsection (d) to read as follows:

"(d) The board may provide in the regulations for a system of licensing of private sewage facilities in the area, including procedures for cancellation of a license for violation of this Act, the license, or the orders or regulations of the board. The board may also provide in the system of licensing for periodic renewal of the licenses, but this may not be required more frequently than once a year. The board may delegate the licensing function and the administration of the licensing system to the executive director or to any local government whose boundaries include the area or which has been designated by the

board under Section 3.29 of this Act as the agency to develop a regional waste disposal system which includes the area. The board also may prescribe and require the payment of reasonable license fees by an applicant for a license, including fees for periodic renewal of a license. The board may change the amount of the license fees from time to time. The amount of the fees shall be based on the reasonable cost of performing the licensing function and administering the licensing system, including, where applicable, costs of soil percolation and other tests to determine the suitability of using a particular type or types of private sewage facilities in the area or at any location within the area, field inspections, travel, and other costs directly attributable to performing the licensing function and administering the licensing system. If the board or the executive director has the responsibility for performing the licensing function, the license fees shall be paid to the board; those fees shall not be deposited in the general revenue fund of the state, but shall be deposited in a special fund for use by the board in performing the licensing function and administering the licensing system, and the fees so deposited are hereby appropriated to the board to use for those purposes only. If a local government has the responsibility for performing the licensing function, the fees shall be paid to the local government.

The Committee Amendment was read and was adopted.

On motion of Senator Herring and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

#### S. B. No. 815 (Schwartz)—

Senator Schwartz offered the following Committee Amendment to the bill:

Amend Section 1, S. B. No. 815, to read as follows:

"Section 1. The commissioners court of any county may authorize the payment of reasonable travel expenses incurred by any officer, agent, or employee of the county, or by any board or committee member appointed by the commissioners court, in the event that the travel expenses were incurred by the officer, agent, employee, or board or committee member while

performing any county business authorized by the commissioners court."

The Committee Amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

#### S. B. No. 833 (Herring)—

Senator Herring offered the following Committee Amendment to the bill:

Amend S. B. 833, Section 1(b) by changing the word "shall" to "may" in the first sentence thereof.

The Committee Amendment was read and was adopted.

On motion of Senator Herring and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

#### S. B. No. 859 (Bridges)—

Senator Bridges offered the following Committee Amendment to the bill:

Amend Senate Bill 859 as follows:

(1) Delete Section 24, Section 25, Section 26, Section 27, Section 28, and Section 29 and renumbering Section 30 and Section 31 to be Section 24 and Section 25 respectively.

(2) At the end of Section 10, subsection (b) add the following sentence: "If for any reason Jack Rice Turner, Corpus Christi, Texas cannot perform as agreed the Board of Directors provided for herein shall select an alternate architect, but in any event the cost shall not exceed \$350,000.00."

(3) In Section 14 after the third full sentence in Section 14 which ends with "... may be fifteen percent (15%)" add the following sentence: "In no event shall the amount paid exceed \$5,000.00 in any one calendar year."

The Committee Amendment was read and was adopted.

On motion of Senator Bridges and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)



### Conclusion of Session for Consideration of Local and Uncontested Bills Calendar

The President Pro Tempore announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

### At Ease

The President Pro Tempore announced the Senate would at 10:45 o'clock a.m. Stand at Ease Subject to the Call of the Chair.

### In Legislative Session

The President Pro Tempore called the Senate to order as In Legislative Session at 10:50 o'clock a.m.

### Senate Resolution 1043

Senator Sherman offered the following resolution:

Whereas, Artist Tenkei Tachibana of Japan, whose Royal Family Association name is Prince Yoshihito Yozen, has led an exemplary and useful life in his native Japan and is well-known for his significant contributions to the educational and cultural development of his native land; and

Whereas, Artist Tenkei Tachibana has achieved worldwide acclaim as a great brush-stroke artist and Sumi-e expert; and

Whereas, This distinguished artist and member of the Japanese Royal Family has been responsible for developing good relations between his own country of Japan and the other countries of the world, and within the past five years he has been strongly influential and instrumental in establishing a sister-city relationship between Minakami-machi, Japan, and Canyon, Texas; he has also brought about a sister-institution relationship between Japan's Takasaki College of Economics and West Texas State University at Canyon; and

Whereas, Artist Tenkei Tachibana, in his development of good relations between Japan and the United States, has entertained in Japan Senator Grady Hazlewood and Dr. Lee Clark, of the M.D. Anderson Hospital and Tumor Institute, and their wives and many other distinguished citizens of Texas; and

Whereas, In 1966 Governor John Connally designated Artist Tenkei Tachibana an Honorary Citizen of Texas, and in that same year he was

named Honorary Professor of Art at West Texas State University by the Board of Regents of that institution; and

Whereas, Artist Tenkei Tachibana is presently visiting in Texas for the purpose of furthering good relationships between Japan and the United States and exhibiting and demonstrating on the campus of West Texas State University in his capacity as Honorary Professor of Art; and

Whereas, Artist Tenkei Tachibana and his secretary, Yoshiko Matsudaira, are honored guests in the Texas Senate today by invitation of Senators Max Sherman and Grady Hazlewood; now, therefore, be it

Resolved, That the Senate of the 62nd Legislature of the State of Texas as by this Resolution recognize the distinguished Artist Tenkei Tachibana and his secretary, Yoshiko Matsudaira, and express gratitude on behalf of the people of Texas for the many contributions which this illustrious Japanese gentleman has made to the educational and cultural development of Texas as well as Japan and for his outstanding service in furthering good relations between his country and the State of Texas; and, be it further

Resolved, That official copies of this Resolution be prepared for Artist Tenkei Tachibana and Yoshiko Matsudaira as a symbol of appreciation and friendship to them from the people of Texas.

### SHERMAN

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Herring, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Bridges, and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Sherman the resolution was adopted.

On motion of Senator Sherman and by unanimous consent, former Senator Grady Hazlewood was asked to

proceed to the Bar of the Senate to introduce the distinguished guests to the Members of the Senate.

Senator Hazlewood addressed the Senate as follows:

"Artist Tenkei Tachibana asks me to express for him his gratitude for the great honor done him by the State of Texas on this occasion. Also, he wishes to express his appreciation for the fine heart-to-heart relationships developed between himself and many citizens of the State of Texas.

"Furthermore, he wishes me to state that upon his death his large wall-screen paintings will be left to the people of the State of Texas and West Texas State University through his good friends, President and Mrs. James Cornette of Canyon, Texas."

The President Pro Tempore expressed appreciation to Artist Tachibana for his contributions to the State of Texas.

The President Pro Tempore presented Dr. and Mrs. James Cornette, Dr. and Mrs. Irby Carruth and Mrs. Grady Hazlewood to the Members of the Senate.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
April 22, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

All necessary rules suspended, and the Conference Committee Report on House Bill No. 113 adopted by a vote of 126 ayes, 8 noes.

H. C. R. No. 117, Congratulating Miss Vicki White of Austin on being named Texas Junior Miss.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

(President in Chair.)

#### Bill and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill and resolutions:

H. C. R. No. 116.

S. B. No. 325.

S. C. R. No. 7.

#### Senate Bills on First Reading

Senator Herring moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit the introduction at this time, the following bills, the provisions of which were explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The following bills were then introduced, read first time and referred to the Committees indicated:

By Senator Herring:

S. B. No. 938, A bill to be entitled "An Act exempting certain construction projects of the Texas Agriculture Department from Building Commission action; amending Section 3, Chapter 455, Acts of the 59th Legislature, 1965 (codified as Article 678f, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on State Departments and Institutions.

By Senator Mauzy:

S. B. No. 939, A bill to be entitled "An Act relating to the legality of the pool system for private clubs operating on the premises of certain professional sport stadiums; amending Subsection 1, Section 15(e), Article I, Texas Liquor Control Act, as amended (Article 666-15e, Vernon's Texas Penal Code); providing for severability; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Mauzy:

S. B. No. 940, A bill to be entitled "An Act raising the eligible age of employees becoming members of the Texas County and District Retirement System to 60 years; amending Subdivision 2(a)(1) and Subdivision 2(b) of Section 3, Chapter 127, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6228g, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on County, District and Urban Affairs.

#### House Bills and Resolution on First Reading

The following bills and resolution received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 168, To Committee on Jurisprudence.

H. B. No. 237, To Committee on State Affairs.

H. B. No. 476, To Committee on Education.

H. B. No. 616, To Committee on Military and Veterans Affairs.

H. B. No. 630, To Committee on State Affairs.

H. B. No. 683, To Committee on Insurance.

H. C. R. No. 47, To Committee on Transportation.

H. B. No. 461, To Committee on Banking.

#### Senate Concurrent Resolution 81 With House Amendment

Senator Schwartz called S. C. R. No. 81 from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the following House amendment before the Senate:

Amend S. C. R. 81 by substituting the word "necessary" for the word "certain" on line 9 of the resolution.

The House amendment was read.

Senator Schwartz moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

#### Leave of Absence

Senator Hall was granted leave of absence for the remainder of today on account of important business on motion of Senator Word.

#### Reports of Standing Committees

By unanimous consent, Senator Kennard submitted the following report for the Committee on Public Health:

H. B. No. 427.

By unanimous consent, Senator Mauzy submitted the following reports for the Committee on Education:

H. B. No. 126.

S. B. No. 656.

S. B. No. 583.

H. B. No. 590.

C. S. S. B. No. 548 (Read first time).

S. B. No. 874.

By unanimous consent, Senator Hall submitted the following report for the Committee on County, District and Urban Affairs:

H. B. No. 387 (Floor Report).

By unanimous consent, Senator Moore submitted the following reports for the Committee on State Affairs:

S. B. No. 702.

S. B. No. 832.

S. B. No. 535.

S. B. No. 542.

S. B. No. 344 (Amended).

C. S. S. B. No. 710 (Read first time).

S. B. No. 520.

By unanimous consent, Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs:

H. B. No. 438.

H. B. No. 635.

H. B. No. 259.

By unanimous consent, Senator Creighton submitted the following reports for the Committee on Water and Conservation:

H. B. No. 481.

H. B. No. 480.

H. B. No. 479.

H. B. No. 667.

#### House Bill 387 Ordered Not Printed

On motion of Senator Bates and by unanimous consent, H. B. No. 387 was ordered not printed.

#### House Bill 556 on Second Reading

Senator Mauzy asked unanimous consent to suspend the regular order of business and take up H. B. No. 556 for consideration at this time.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up H. B. No. 556 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Schwartz
Harrington	Snelson
Herring	Wallace
Hightower	Watson
Jordan	Word

Nays—9

Aikin	Harris
Blanchard	Patman
Connally	Ratliff
Creighton	Sherman
Grover	

Absent

Wilson

Absent—Excused

Hall

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 556, A bill to be entitled "An Act effecting reform in the trial of civil actions; establishing a system of comparative negligence and abolishing contributory negligence as a bar to recovery under certain conditions in civil suits by providing for recovery of damages on the basis of comparison of causal negligence; providing for the necessary procedures relative to instructions to the jury by the court of the law; etc.; and declaring an emergency."

The bill was read second time.

Senator Creighton offered the following amendment to the bill:

Amend H. B. 556 by deleting the period at the end of Section 4, adding a semicolon, and adding the following: "provided however, that the same 10 jurors must agree on each issue."

The amendment was read.

Senator Mauzy moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

Yeas—19

Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Schwartz
Harrington	Wallace
Herring	Watson
Hightower	Wilson
Jordan	Word
Kennard	

## Nays—11

Aikin	Harris
Bates	Patman
Blanchard	Ratliff
Connally	Sherman
Creighton	Snelson
Grover	

## Absent—Excused

Hall

Question—Shall H. B. No. 556 be passed to third reading?

## Recess

On motion of Senator Aikin the Senate at 12:00 o'clock M. took recess until 1:30 o'clock p.m. today.

## After Recess

The President called the Senate to order at 1:30 o'clock p.m. today.

## Reports of Standing Committees

By unanimous consent, Senator Brooks submitted the following report for the Committee on State Departments and Institutions:

S. B. No. 938.

By unanimous consent, Senator Mauzy submitted the following report for the Committee on Education:

H. B. No. 186 (Amended) (Floor Report).

## House Bill 186 Ordered Not Printed

On motion of Senator Hightower and by unanimous consent, H. B. No. 186 was ordered not printed.

## Senate Bill 925 Re-Referred

On motion of Senator Mauzy and by unanimous consent, S. B. No. 925 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on County, District and Urban Affairs.

## Notice of Executive Session

Senator Christie gave notice that he would on Friday, April 23, 1971, move for an Executive Session at 11:30 o'clock a.m.

## House Bill 556 on Second Reading

The Senate resumed the consideration of the pending business, same

being H. B. No. 556 on its second reading and passage to third reading.

Question—Shall H. B. No. 556 be passed to third reading?

(Senator Kothmann in Chair.)

Pending discussion by Senator Grover of the bill, Senator Brooks occupied the Chair.

Pending further discussion by Senator Grover of the bill, Senator Kothmann occupied the Chair.

(President in Chair.)

Pending further discussion by Senator Grover of the bill, Senator Aikin occupied the Chair.

Senator Bates submitted the following Motion in Writing:

Mr. President: I move a call of the Senate to secure and maintain a quorum for the purpose of considering final passage of H. B. 556 (or engrossment of the same, considering the present situation of the bill), under the provisions of Rule 4, Rules of the Senate.

BATES

The Motion in Writing was read.

Question—Shall the Call of the Senate now be ordered?

The Call of the Senate failed to be ordered by the following vote:

## Yeas—7

Bates	Kothmann
Blanchard	Sherman
Brooks	Watson
Connally	

## Nays—14

Aikin	Kennard
Beckworth	Mauzy
Bernal	Moore
Bridges	Schwartz
Grover	Wallace
Harrington	Wilson
Jordan	Word

## Absent

Christie	McKool
Creighton	Patman
Harris	Ratliff
Herring	Snelson
Hightower	

## Absent—Excused

Hall

(Senator Sherman in Chair.)

Pending discussion by Senator Grover of the bill, Senator Jordan occupied the Chair.

Senator Wallace raised the Point of Order that Senator Grover was not confining his remarks to the subject of the bill.

The Presiding Officer (Senator Jordan in the Chair) sustained the Point of Order, stating that this was a First Warning.

(President Pro Tempore in Chair.)

Pending further discussion by Senator Grover of the bill, Senator Kothmann occupied the Chair.

(Senator Jordan in Chair.)

Senator Wallace raised the Point of Order that Senator Grover was not speaking audibly.

The Presiding Officer (Senator Jordan in Chair) sustained the Point of Order, stating that this was a Second Warning.

Senator Wilson raised the Point of Order that Senator Grover was not confining his remarks to the subject of the bill.

The Presiding Officer (Senator Jordan in Chair) sustained the Point of Order, stating that this was a Third Warning.

Senator Kennard moved to appeal the ruling of the Chair on the Third Warning to Senator Grover.

Question—Shall the ruling of the Chair be sustained?

(President in Chair.)

On motion of Senator Kennard and by unanimous consent, he withdrew his motion to appeal the ruling of the Chair.

The President stated that the Second Warning by the Presiding Officer (Senator Jordan in Chair.) would be withdrawn, and that the Third Warning would become the Second Warning.

(Senator Jordan in Chair.)

Pending further discussion by Senator Grover of the bill, Senator Aikin occupied the Chair.

Friday, April 23, 1971

Senator Grover offered the following amendment to the bill:

Amend H. B. 556, p. 2, by striking all of Sec. 4.

The amendment was read.

Senator Blanchard moved that the Senate stand adjourned until 11:00 o'clock a.m. today.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion to adjourn was lost by the following vote:

Yeas—3

Blanchard	Patman
Grover	

Nays—17

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Bridges	Schwartz
Brooks	Wallace
Christie	Watson
Harrington	Wilson
Hightower	Word
Jordan	

Paired—2

McKool	Sherman
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Present—Not Voting

Moore

Absent

Bates	Harris
Connally	Herring
Creighton	Ratliff
Hall	Snelson

PAIRED

Senator Sherman (present), who would vote "Nay," with Senator McKool (absent), who would vote "Yea."

On motion of Senator Grover and by unanimous consent, the pending amendment was withdrawn.

Senator Wallace moved the Previous Question on the passage of H. B. No. 556 to third reading and the motion was duly seconded.

Question—Shall the Previous Question now be ordered?

The Previous Question was ordered by the following vote:

## Yeas—15

Aikin	Jordan
Beckworth	Kennard
Bernal	Kothmann
Bridges	Mauzy
Brooks	Wallace
Christie	Wilson
Harrington	Word
Hightower	

## Nays—2

Grover	Patman
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## Paired—6

McKool	Sherman
Ratliff	Watson
Creighton	Schwartz

## Present—Not Voting

Blanchard

## Absent

Bates	Herring
Connally	Moore
Hall	Snelson
Harris	

## PAIRED

Senator Sherman (present), who would vote "Nay," with Senator McKool (absent), who would vote "Yea."

Senator Watson (present), who would vote "Yea," with Senator Ratliff (absent), who would vote "Nay."

Senator Schwartz (present), who would vote "Nay" with Senator Creighton (absent), who would vote "Yea."

The bill (H. B. No. 556) was passed to third reading.

## Record of Votes

Senators Aikin, Grover, Watson and Patman asked to be recorded as voting "Nay" on the passage of the bill to third reading.

Senator Mauzy moved to set H. B. No. 556 as Special Order for 3:04 o'clock a.m. today.

The motion was lost by the following vote (a quorum of the Senate not being present):

## Yeas—14

Beckworth	Jordan
Bernal	Kennard
Bridges	Kothmann
Brooks	Mauzy
Christie	Wallace
Harrington	Wilson
Hightower	Word

## Nays—3

Aikin	Patman
Grover	

## Paired—6

Ratliff	Watson
McKool	Sherman
Schwartz	Creighton

## Absent

Bates	Harris
Blanchard	Herring
Connally	Moore
Hall	Snelson

## PAIRED

Senator Watson (present), who would vote "Yea," with Senator Ratliff (absent), who would vote "Nay."

Senator Sherman (present), who would vote "Nay," with Senator McKool (absent) who would vote "Yea."

Senator Schwartz (present) who would vote "Yea," with Senator Creighton (absent), who would vote "Nay."

Senator Schwartz moved a Call of the Senate to secure and maintain a quorum until the final passage of H. B. No. 556 and the motion was duly seconded.

Question—Shall a Call of the Senate be now ordered?

The following roll call shows a quorum of the Senate present:

## Yeas—19

Aikin	Jordan
Beckworth	Kennard
Bernal	Kothmann
Bridges	Mauzy
Brooks	Schwartz
Christie	Wallace
Hall	Watson
Harrington	Wilson
Herring	Word
Hightower	

## Nays—2

Patman Sherman

## Absent

Bates	Harris
Blanchard	McKool
Connally	Moore
Creighton	Ratliff
Grover	Snelson

## Memorial Resolution

S. R. No. 1047—By Senator Schwartz: Memorial resolution for Thomas W. Youngblood, Sr.

## Welcome and Congratulatory Resolutions

H. C. R. No. 117—Extending congratulations to Miss Vicki White of Austin upon being named as Texas Junior Miss.

S. R. No. 1040—By Senator Aikin: Extending welcome to Dr. and Mrs. Jarrell D. Gray.

S. R. No. 1041—By Senator McKool: Extending congratulations to Jerry Howell.

S. R. No. 1042—By Senator McKool: Extending congratulations to Michael Glenn Swearingen.

S. R. No. 1044—By Senators Creighton and Kennard: Extending welcome and congratulations to Texas Christian University Horned Frogs basketball team, Southwest Conference Champions.

S. R. No. 1045—By Senator Snelson: Extending congratulations to directors of the Colorado River Municipal Water District.

S. R. No. 1046—By Senator Herring: Extending welcome to teacher and students, Fifth Grade Class, Norman Elementary School.

S. R. No. 1048—By Senator Watson: Extending welcome to Dr. James Scruggs.

S. R. No. 1049—By Senator Watson: Extending welcome to Pi Sigma Alpha Fraternity from Baylor University.

S. R. No. 1050—By Senator Sherman: Extending congratulations to

Dumas High School Varsity Basketball team.

S. R. No. 1051—By Senator Watson: Extending congratulations to Glenn A. Johnson on his selection as a member of the "Up-With-the-People" singing group.

S. R. No. 1052—By Senator Watson: Extending welcome to Dr. Doug Guthrie.

S. R. No. 1053—By Senator Beckworth: Extending appreciation to Dr. John E. Wensley for his service as Doctor of the Day in the Capitol.

S. R. No. 1054—By Senator Schwartz: Extending welcome to Bill Hamilton and Robert Riggs.

S. R. No. 1055—By Senator Schwartz: Extending welcome to Sheldon Richie and Roger Greenberg.

## Adjournment

On motion of Senator Mauzy the Senate at 3:20 o'clock a.m. adjourned until 3:22 o'clock a.m. today.

## APPENDIX

## Sent to Governor

April 22, 1971

S. C. R. No. 7.

S. B. No. 325.

## FIFTY-NINTH DAY

(Friday, April 23, 1971)

The Senate met at 3:22 o'clock a.m., pursuant to adjournment, and was called to order by Senator Aikin.

The roll was called and the following Senators were present:

Aikin	Herring
Beckworth	Hightower
Bernal	Jordan
Bridges	Kennard
Brooks	Kothmann
Christie	Mauzy
Hall	Patman
Harrington	Schwartz